

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NEW YORK CITY TRANSIT AUTHORITY,	:
	:
Plaintiff,	:
	:
v.	:
	:
EXPRESS SCRIPTS, INC.	:
	:
Defendant.	:
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Case No. 1:19-cv-05196-JMF

Declaration of Elizabeth A. Bozicevic In Support of Express Scripts' Motion for Summary Judgment

I, Elizabeth A. Bozicevic, state as follows:

1. I am a partner at the law firm Husch Blackwell LLP ("Husch Blackwell"), attorneys for Defendant Express Scripts, Inc. ("Express Scripts").

2. I submit this declaration in support of Express Scripts' Motion for Summary Judgment on all claims asserted by Plaintiff New York City Transit Authority ("NYCTA").

3. Attached hereto in redacted form as **Exhibit 1** is a true and accurate copy of the contract between Express Scripts and NYCTA. This document was produced at Express_Scripts_1095_00004374 – Express_Scripts_1095_00004728 and previously marked as ESI Dep. Ex. 7. Due to the size of the contract, it has been broken down into three parts for filing.

4. Attached hereto as **Exhibit 2** is a true and accurate copy of excerpts from the deposition of Jim Masella, taken on October 1, 2020, along with the deposition's index.

5. Attached hereto as **Exhibit 3** is a true and accurate copy of the contract between NYCTA and Aon Consulting, Inc. This document was produced at AONNYCTAESI-00004287 – AONNYCTAESI-00004334 and previously marked as ESI Dep. Ex. 90.

6. Attached hereto as **Exhibit 4** is a true and accurate copy of excerpts from the deposition of Kenneth McCabe, taken on November 9, 2020, along with the deposition's index.

7. Attached hereto as **Exhibit 5** is a true and accurate copy of excerpts from the corporate representative deposition of Jim Masella, taken on December 3, 2020, along with the deposition's index.

8. Attached hereto as **Exhibit 6** is a true and accurate copy of excerpts from the deposition of Patricia Lodge, taken on October 20, 2020, along with the deposition's index.

9. Attached hereto as **Exhibit 7** is a true and accurate copy of excerpts from the deposition of Davis Ross, taken on October 23, 2020, along with the deposition's index.

10. Attached hereto as **Exhibit 8** is a true and accurate copy of excerpts from the deposition of Susan Hayes, taken on February 19, 2021, along with the deposition's index.

11. Attached hereto as **Exhibit 9** is a true and accurate copy of excerpts from the deposition of Mary Beese, taken on October 15, 2020, along with the deposition's index.

12. Attached hereto as **Exhibit 10** is a true and accurate copy of an internal NYCTA email exchange, previously marked as ESI Dep. Ex. 31, and produced at NYCTA0000057983 – NYCTA0000057987.

13. Attached hereto as **Exhibit 11** is a true and accurate copy of NYCTA's Initial Disclosures pursuant to Rule 26(a)(1).

14. **Exhibit 12** was filed under seal. I represent that Exhibit 12 is a true and accurate copy of an internal Express Scripts presentation, previously marked as NYCTA Dep. Ex. 109, and produced at Express_Scripts_1095_00239113 – Express_Scripts_1095_00239113_0021.

15. Attached hereto as **Exhibit 13** is a true and accurate copy of an internal NYCTA email attaching a presentation from Express Scripts, produced at NYCTA000019844 – NYCTA000019851.

16. Attached hereto in redacted form as **Exhibit 14** is a true and accurate copy of an email and presentation sent from Express Scripts to NYCTA, previously marked as ESI Dep. Ex. 11, and produced at Express_Scripts_1095_00156563 – Express_Scripts_1095_00156565.

17. Attached hereto as **Exhibit 15** is a true and accurate copy of an email and presentation sent from Express Scripts to NYCTA, previously marked as ESI Dep. Ex. 23, and produced at Express_Scripts_1095_00097115 – Express_Scripts_1095_00097132.

18. Attached hereto in redacted form as **Exhibit 16** is a true and accurate copy of an email from Express Scripts to NYCTA attaching two documents, previously marked as ESI Dep. Ex. 13, and produced at Express_Scripts_1095_00159060 – Express_Scripts_1095_00159063.

19. Attached hereto as **Exhibit 17** is a true and accurate copy of excerpts from the deposition of Kim Moore-Ward, taken on October 27, 2020, along with the deposition's index.

20. Attached hereto in redacted form as **Exhibit 18** is a true and accurate copy of an internal NYCTA email exchanging attaching employee disciplinary records and an anonymous tip, previously marked as ESI Dep. Ex. 71, and produced at NYCTA0000037504 – NYCTA0000037527.

21. Attached hereto as **Exhibit 19** is a true and accurate copy of excerpts from the corporate representative deposition of Kim Moore-Ward, taken on December 3, 2020, along with the deposition's index.

22. Attached hereto as **Exhibit 20** is a true and accurate copy of a decision on a union grievance, previously marked as ESI Dep. Ex. 78, and produced at NYCTA000057468 – NYCTA000057473.

23. Attached hereto as **Exhibit 21** is a true and accurate copy of an internal NYCTA email exchange, previously marked as ESI Dep. Ex. 41, and produced at NYCTA000040072 – NYCTA000040074.

I declare under perjury that the foregoing is true and correct.

Executed on March 31, 2021.

/s/ Elizabeth A. Bozicevic

Elizabeth A. Bozicevic

St. Louis, Missouri

Dated: March 31, 2021

By: /s/ Elizabeth A. Bozicevic

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 31st day of March, 2021, the foregoing was filed electronically with the Clerk of Court, to be served by operation of the Court's electronic filing system upon all counsel of record.

s/ Elizabeth A. Bozicevic